



STATE OF CONNECTICUT • COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

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MICHAEL P. STUPINSKI
First Selectman

PETER J. CHARTER
Deputy First Selectman

LAURIE E. BURSTEIN
ANN L. HARFORD
A. LEO MILLER, JR.
JAMES M. PRICHARD
JOHN W. TURNER

Minutes

BOARD OF SELECTMEN
Monday, November 16, 2009
Town Hall – Meeting Hall

SELECTMEN PRESENT: Peter Charter, Ann Harford, A. Leo Miller, James Prichard, Michael Stupinski and John Turner

SELECTMAN ABSENT: Laurie Burstein

OTHERS PRESENT: Nicholas DiCorleto, Finance Officer; Jim Gage, Conservation Commission; CLFD: Chuck Pippin, Chief and other members; EVAC: Peter Hany, President and other members; Ad Hoc Committee for the Removal of Milfoil in Crystal Lake: David Arzt, Chairman; Water's Edge Restoration: Jason Houghtling; First Selectman-Elect: Maurice Blanchette, Residents: Joe Wehr; Hartford Courant: Larry Smith

Board of Selectmen:

I. CALL TO ORDER:

First Selectman Stupinski called the meeting of the Board of Selectmen (BOS) to order at 7:32 p.m.

II. CITIZENS' FORUM:

No one came forward.

III. APPROVAL OF MINUTES:

A. October 19, 2009 Board of Selectmen Meeting:

MOVED (CHARTER), SECONDED (HARFORD) AND PASSED UNANIMOUSLY BY THOSE PRESENT, THAT FOR THE RECORD, THE MINUTES OF OCTOBER 19, 2009, RELATING TO THE DATE OF TOWN MEETING FOR THE CRYSTAL LAKE FIRE TRUCK, BE CORRECTED TO SHOW THAT THE ACTUAL DATE OF THE TOWN MEETING WAS OCTOBER 27, 2009 AT 7:00 P.M., AS WAS PUBLISHED IN THE LEGAL NOTICE; AND TO APPROVE THE MINUTES AS CORRECTED

B. October 20, 2009 Special Town Meeting:

MOVED (CHARTER), SECONDED (HARFORD) AND PASSED UNANIMOUSLY, BY THOSE PRESENT, TO APPROVE THE SPECIAL TOWN MEETING MINUTES OF OCTOBER 20, 2009.

Mr. Miller arrived at 7:35 p.m.

C. October 27, 2009 Special Town Meeting:

MOVED (HARFORD), SECONDED (CHARTER) AND PASSED UNANIMOUSLY, BY THOSE PRESENT, TO APPROVE THE SPECIAL TOWN MEETING MINUTES OF OCTOBER 27, 2009.

D. October 27, 2009 Special Board of Selectmen Meeting:

MOVED (CHARTER), SECONDED (TURNER) AND PASSED UNANIMOUSLY, BY THOSE PRESENT, TO APPROVE THE SPECIAL BOARD OF SELECTMEN MEETING MINUTES OF OCTOBER 27, 2009.

E. November 9, 2009 Special Board of Selectmen Meeting:

MOVED (CHARTER), SECONDED (HARFORD) AND PASSED UNANIMOUSLY, BY THOSE PRESENT, TO APPROVE THE SPECIAL BOARD OF SELECTMEN MEETING MINUTES OF NOVEMBER 9, 2009.

IV. UNFINISHED BUSINESS:

A. Joint Purchase of Land w/State - Pinney Street (DoJo Associates, LLC Property)

Mr. Stupinski noted there is a letter of intent to sell the property in place. He received an email on the subject and it still seemed to leave some openings in the requirement, but the Town Attorney has confirmed that there is an agreement to sell the land and he advises that this be considered a valid motion to make and move forward.

MOVED (CHARTER), SECONDED (HARFORD) AND PASSED UNANIMOUSLY, BY THOSE PRESENT, TO ADOPT THE FOLLOWING RESOLUTION:

RESOLVED, that the Board of Selectmen recommends that the Town of Ellington approve the acquisition jointly with the State of Connecticut Department of Agriculture of development rights, as that term is defined in Section 7-131q(a) of the General Statutes of Connecticut, with respect to the following parcel of agricultural land, as that term is defined in Section 7-131q(a) of said General Statutes, which is hereby determined by the Board of Selectmen to constitute all or a portion of a working farm:

Approximately 118.058 [more or less] acres of land situated on the general easterly and westerly sides of Pinney Street in the Town of Ellington, Connecticut, APN 044-014-0000 and 044-001-0000, owned by DOJO Associates, LLC.

The acquisition shall be substantially as described in the Joint Offer to Purchase Development Rights between the State of Connecticut, Town of Ellington and DOJO Associates, LLC, dated February 10, 2009.

FURTHER RESOLVED, that the Town's \$490,000 portion of the \$1,390,000 cost of such acquisition shall be funded from the \$2,000,000 appropriation authorized by resolution adopted by the Town Meeting at referendum held November 6, 2007 for acquisition by the Town of development rights with respect to one or more parcels of agricultural land determined to constitute all or a portion of a working farm. The \$900,000 remainder of the cost of the acquisition is to be funded by the State of Connecticut Department of Agriculture.

FURTHER RESOLVED, that the First Selectman and other proper officers and officials of the Town are authorized to take all actions on behalf of the Town necessary or desirable to complete such acquisition.

FURTHER RESOLVED, that the Board of Selectmen hereby authorizes the First Selectman to warn a special Town Meeting to be held at Ellington Town Hall in Ellington, Connecticut, on Monday, December 14, 2009 at 7:15 p.m. to act upon a resolution with respect to the above recommendations.

B. EVAC – Request to Waive Bid for New Ambulance:

Mr. Miller noted that it seems too routinely that the normal bidding procedures are waived. Ms. Harford agreed. Mr. Charter asked for a recommendation regarding the fate of the old ambulance. Mr. Hany said he will make a recommendation, but that it will be up to the Town to decide.

MOVED (CHARTER), SECONDED (HARFORD) AND PASSED UNANIMOUSLY, BY THOSE PRESENT, TO WAIVE THE NORMAL BIDDING PROCEDURES AND AWARD THE BID FOR THE 2010 AMBULANCE TO EASTFORD FIRE AND RESCUE SALES, LLC IN THE AMOUNT OF \$199,000, AS RECOMMENDED BY THE PRESIDENT OF THE ELLINGTON VOLUNTEER AMBULANCE CORPS.

C. Review of Proposed Emergency Services Contracts:

Mr. Turner stated that the Town Attorney drafted a dissolution resolution to be added to the Crystal Lake and the Ellington Volunteer Fire Department contracts. The contract has been delivered to the Town Hall as of this morning. Mr. Turner added that the Ellington Volunteer Fire Department has voted to accept the contract and has authorized the Chief to sign the contract when all three agencies come to an agreement on all the issues. Mr. Stupinski added that the Ellington Volunteer Fire Department has agreed as to where the property dissolution goes and it has been added to the contract. Crystal Lake Fire Department has not agreed to it. Mr. Pippin noted that it is written in the General Statutes and it is presently law. Mr. Pippin noted that he has completed his work with the contract and it is ready for signature. Mr. Stupinski asked Mr. Hany to clarify that the contract would require that the fees collected could go to the Ambulance Corp. rather than the Town; it would bypass the current agreement for how the fees are handled. The Volunteer Ambulance Corp. will not agree to the wording that says that the fees go to the Town and go through the normal process. Mr. DiCorleto noted that the designation as a 501(3)C is an issue in this case. Mr. Turner pointed out that there is protection in the contract ensuring that the fees collected will be used for the ambulance and medical services training for the people of Ellington. Mr. Stupinski will hold a meeting with Mr. Pippin and one with Mr. Hany and will ask the Town Attorney to attend both meetings. He will then call a special meeting of the Board of Selectman to review the contracts.

V. NEW BUSINESS:

MOVED (CHARTER), SECONDED (HARFORD) AND PASSED UNANIMOUSLY, BY THOSE PRESENT, TO ADD TO NEW BUSINESS ITEM 'N', *ARTHUR JOHNSON ESTATE – 63 NO. PARK STREET* AND ITEM 'O', *USE OF TOWN SEAL POLICY*.

A. Tax Refunds/Abatements:

MOVED (CHARTER), SECONDED (MILLER) TO APPROVE THE TAX REFUNDS IN THE AMOUNT OF \$1,582.28, AS RECOMMENDED BY THE TAX COLLECTOR AND AS SPECIFIED IN THE REFUNDS/ ABATEMENTS STATEMENT DATED NOVEMBER, 2009. **(ATTACHED)**

B. Milfoil Committee – Status Report:

Mr. David Arzt, Chairman of the Ad Hoc Committee for the Removal of Milfoil in Crystal Lake, presented a detailed report regarding the project. He thanked the Board of Selectman for their support. Mr. Stupinski thanked the Committee for their good work. He noted that it took a lot of hard work and innovation and they did a great job. He also added that there is on the table additional maintenance that must be done, and one task to address is to get the Town of Stafford on board to help with the cost.

C. Re-establish Budget Advisory Committee:

MOVED (CHARTER), SECONDED (MILLER) AND PASSED UNANIMOUSLY, BY THOSE PRESENT, TO RE-ESTABLISH THE BUDGET ADVISORY COMMITTEE FOR THE 2010-2011 BUDGET SEASON.

D. Award Contract Part 2 – 2009 Small Cities Grant:

MOVED (CHARTER), SECONDED (MILLER) AND PASSED UNANIMOUSLY, BY THOSE PRESENT, TO AUTHORIZE MICHAEL P. STUPINSKI, FIRST SELECTMEN, TO EXECUTE PART 2 OF THE SERVICES CONTRACT AGREEMENT BETWEEN THE TOWN OF ELLINGTON AND COMMUNITY OPPORTUNITIES GROUP, INC., RELATING TO THE FY 2009 SMALL CITIES GRANT PROGRAM.

E. Skip's Septic/T&L Walker, LLC EDC Tax Abatement Agreement:

MOVED (CHARTER), SECONDED (MILLER) AND PASSED UNANIMOUSLY, BY THOSE PRESENT, TO APPROVE THE IMPLEMENTATION OF THE TAX ABATEMENT AGREEMENT BETWEEN THE TOWN OF ELLINGTON AND SKIP'S SEPTIC SERVICE, INC. AND T&L WALKER, LOCATED AT 6 NUTMEG DRIVE; ELLINGTON, CT, AS RECOMMENDED BY THE PLANNING DEPARTMENT; AND FURTHER, TO AUTHORIZE THE FIRST SELECTMAN TO FORWARD A WRITTEN DIRECTIVE TO THE ASSESSOR TO APPLY THE ABATEMENT.

F. Resolution: Airport Feasibility Study State Grant:

MOVED (CHARTER), SECONDED (HARFORD) AND PASSED [AYE: CHARTER/ HARFORD/ TURNER; NAY: MILLER, PRICHARD], TO ADOPT THE FOLLOWING RESOLUTION:

BE IT RESOLVED THAT MICHAEL P. STUPINSKI, FIRST SELECTMAN OF THE TOWN OF ELLINGTON, IS DULY AUTHORIZED TO EXECUTE, ON BEHALF OF THE TOWN OF ELLINGTON, AN AGREEMENT BETWEEN THE STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION AND THE TOWN OF ELLINGTON FOR A FEASIBILITY STUDY FOR THE POTENTIAL MUNICIPAL ACQUISITION OF ELLINGTON AIRPORT.

G. Resolution: Wheelchair Accessible Vehicle Grant:

MOVED (CHARTER), SECONDED (TURNER) AND PASSED UNANIMOUSLY, BY THOSE PRESENT, TO ADOPT THE FOLLOWING RESOLUTION:

BE IT RESOLVED THAT MICHAEL P. STUPINSKI, FIRST SELECTMAN OF THE TOWN OF ELLINGTON *[OR HIS SUCCESSOR]*, IS AUTHORIZED TO SIGN AND EXECUTE AGREEMENTS AND CONTRACTS, ALONG WITH ALL NECESSARY AGREEMENT/CONTRACT DOCUMENTS, ON BEHALF OF THE TOWN OF ELLINGTON WITH THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF CONNECTICUT, RELATING TO THE GRANT AWARD TOWARD THE PURCHASE OF A WHEELCHAIR-ACCESSIBLE MOTOR VEHICLE.

H. Request Permanent Status – Felicia LaPlante, Administrative Secretary:

MOVED (CHARTER), SECONDED (MILLER) AND PASSED UNANIMOUSLY, BY THOSE PRESENT, TO GRANT PERMANENT PART-TIME STATUS TO FELICIA LaPLANTE, ADMINISTRATIVE SECRETARY TO HUMAN SERVICES AND RECREATION DEPARTMENTS, AS RECOMMENDED BY THE DIRECTOR OF HUMAN SERVICES AND DIRECTOR OF THE RECREATION DEPARTMENT.

I. Request Permanent Status – Cynthia Boscarino, Administrative Secretary:

MOVED (CHARTER), SECONDED (MILLER) AND PASSED UNANIMOUSLY, BY THOSE PRESENT, TO GRANT PERMANENT PART-TIME STATUS TO CYNTHIA BOSCARINO, ADMINISTRATIVE SECRETARY TO HUMAN SERVICES AND RECREATION DEPARTMENTS, AS RECOMMENDED BY THE DIRECTOR OF HUMAN SERVICES AND DIRECTOR OF THE RECREATION DEPARTMENT.

J. Retirement Insurance – Medicare Supplement:

Mr. Stupinski stated that there is a possibility of offering to Town employees and spouses a plan for Medicare supplemental coverage which includes prescription drug coverage. This is still in the discussion stage. The personnel policy states that retirees shall be covered under Medicare A & B supplemental coverage and available prescription drug riders. The present plans do not include any drug options, so they are considered not available. This also is not available under the union contract, so this would need to be negotiated. The amount, if any, the Town would contribute toward the cost would also need to be determined.

K. Senior Center Lease:

Discussion was held regarding the square footage costs and the particulars of the lease agreement for the Senior Center.

MOVED (CHARTER), SECONDED (MILLER) AND PASSED [AYE: CHARTER/ HARFORD/ TURNER/PRICHARD; NAY: MILLER], TO APPROVE THE SR. CENTER LEASE BETWEEN RICHARD M. SOUZA AND THE TOWN OF ELLINGTON FOR A TERM OF FIVE YEARS COMMENCING DECEMBER 1, 2010 AND TERMINATING ON NOVEMBER 30, 2015 IN THE BASE AMOUNT OF \$3,132 PER MONTH, AND TO ADD THIS ITEM TO THE SPECIAL TOWN MEETING SCHEDULED FOR DECEMBER 14, 2009 TO CONSIDER ABOVE-NOTED LEASE.

L. Tax Refunds/Abatements [Revised – October 2009]

This item was deferred to allow Mr. Stupinski time to verify the amount in the October 2009 Tax Refunds/Abatements Statement.

M. 2008-2009 Year-End Transfers/Additional Appropriations:

Mr. DiCorleto noted that he would ask to defer this item to the December meeting to allow for further preparation.

N. Arthur Johnson Estate – 63 No. Park Street:

MOVED (CHARTER), SECONDED (HARFORD) AND PASSED UNANIMOUSLY, BY THOSE PRESENT, THAT IN ORDER TO MAXIMIZE THE COLLECTION OF TAXES APPLICABLE TO PROPERTY AT 63 NORTH PARK STREET, ELLINGTON, THE BOARD OF SELECTMEN HEREBY AUTHORIZES THE TAX COLLECTOR TO ABATE THE BALANCE OF ANY TAX DUE ON THE LIST OF OCTOBER 1, 2007 AND PAST DUE TAXES ON ALL EARLIER TAX LISTS INCLUDING INTEREST AND LIEN FEES NOT TO EXCEED \$73,891.54 AFTER APPLICATION OF ALL PAYMENTS DESCRIBED HEREIN; PROVIDED THAT THE PROPERTY IS SOLD BY THE ESTATE OF ARTHUR JOHNSON FOR AN AMOUNT NOT LESS THAN \$21,500 AND PROVIDED FURTHER THAT ALL OF THE NET PROCEEDS FROM THAT SALE OF NOT LESS THAN \$19,000 AND THE ENTIRE BALANCE OF FUNDS IN THE ESTATE ACCOUNT OF NOT LESS THAN \$7,500 ARE PAID TO THE TOWN TO BE APPLIED TO REAL ESTATE TAXES PAST DUE. THE BUYER AND/OR ESTATE SHALL BE LIABLE FOR ALL TAXES ON THE LIST OF OCTOBER 1, 2008 AND THEREAFTER. IN THE EVENT THAT THIS SALE DOES NOT OCCUR ON OR BEFORE DECEMBER 31, 2009 OR THAT THE ABOVE AGREED UPON SUMS ARE NOT PAID TO THE TOWN BY THAT DATE, THEN THIS MOTION SHALL BE OF NO EFFECT AND THE TAXES SHALL NOT BE ABATED.

O. Use of Town Seal Policy:

Mr. Stupinski explained that the use of the Town Seal should be controlled by the Town Clerk. The policies of other towns were researched and the Town of Enfield policy best met the objective. The policy was reviewed by the Town Attorney. Mr. Turner noted that a copy of the official seal be added to the policy. **(Attached)**

MOVED (CHARTER), SECONDED (HARFORD) AND PASSED UNANIMOUSLY, TO THOSE PRESENT, TO ADOPT THE POLICY REGARDING THE USE OF THE TOWN SEAL, AS SUBMITTED AND AS RECOMMENDED BY THE TOWN CLERK.

VI. ADMINISTRATIVE REPORTS: So noted.

VII. SELECTMEN COMMITTEE REPORTS:

- A. Personnel Committee:
 - 1. Resignations

MOVED (PRICHARD), SECONDED (MILLER) AND PASSED UNANIMOUSLY, BY THOSE PRESENT, TO ACCEPT THE RESIGNATION OF CLAYTON BANNOCK FROM THE SHARED SERVICES COMMISSION.

MOVED (PRICHARD), SECONDED (MILLER) AND PASSED UNANIMOUSLY, BY THOSE PRESENT, TO ACCEPT THE RESIGNATION OF PAUL SHUPE, SR. FROM THE PERMANENT BUILDING COMMITTEE.

2. Recommended Appointments:

MOVED (PRICHARD), SECONDED (MILLER) AND PASSED UNANIMOUSLY, BY THOSE PRESENT, TO APPOINT MARY BETH O'NEILL AS AN ALTERNATE MEMBER TO THE INLAND WETLANDS AGENCY TO JANUARY 31, 2010.

MOVED (MILLER), SECONDED (MILLER) AND PASSED UNANIMOUSLY, BY THOSE PRESENT, TO APPOINT EDWARD S. KRAMER TO THE NORTH CENTRAL DISTRICT HEALTH DEPARTMENT BOARD OF DIRECTORS TO JUNE 30, 2010.

MOVED (PRICHARD), SECONDED (MILLER) AND PASSED UNANIMOUSLY, BY THOSE PRESENT, TO APPOINT NOAH FORREST AS A REGULAR MEMBER TO THE ECONOMIC DEVELOPMENT COMMISSION TO JULY 31, 2010, CHANGING HIS STATUS FROM ALTERNATE MEMBER.

3. First Selectman's Salary:

MOVED (PRICHARD), SECONDED (HARFORD) AND PASSED [AYE: CHARTER/ HARFORD/ TURNER/PRICHARD; NAY: MILLER], TO SET THE ANNUAL SALARY FOR THE NEW FIRST SELECTMAN IN THE AMOUNT OF \$70,000 TO BE PRO-RATED FOR THE REMAINDER OF THE FISCAL YEAR 2009-2010.

B. Personnel Policies Committee:

Mr. Stupinski noted that the committee met and reviewed proposed changes to the Personnel Rules and Regulations. He added that there are three key points that need more research, but the committee is at a point where they agree on most of what has been proposed and reviewed by the Town labor attorney. A meeting has been set for Monday, November 23, 2009 to finish it and make a recommendation to the Board of Selectmen.

VIII. SELECTMEN LIAISON REPORTS: None.

IX. FIRST SELECTMAN'S REPORT:

Mr. Stupinski said that this is his last regular meeting as First Selectman, as well as the last regular meeting for Peter Charter and Ann Harford.

X. CORRESPONDENCE:

A. E-mail from CRRA re: Expansion of Plastic Recycling:

Mr. Stupinski referred to an email from CRRA regarding expanding plastic recycling to include numbers 3 through 7. The Town will be notified once CRRA is ready to accept the new materials.

XI. ADJOURNMENT:

MOVED (CHARTER), SECONDED (PRICHARD) AND PASSED UNANIMOUSLY, BY THOSE PRESENT, TO ADJOURN THE MEETING OF THE BOARD OF SELECTMEN AT 9:15 P.M.

Submitted by  Approved by 
LouAnn Cannella Michael P. Stupinski

Reproduction/Use of Town Seal

Please be advised that permission is required to reproduce the Town Seal of Ellington under Section 7-101 of the Connecticut General Statutes:

Sec. 7-101. Town Seal. Each town shall provide itself with a seal with the name of the town and the state... The town clerk shall have custody of such seal.

USE OF TOWN SEAL POLICY AND PROCEDURE

Pursuant to Connecticut General Statute §7-101, the Town Clerk is the custodian of the Town Seal. Accordingly, the following policy and procedure is hereby established for use of the Town Seal.

Use of the Town Seal is restricted to official Town business. Examples of accepted use include, but are not limited to:

- Certified Copies
- Proclamations/Awards
- Town Contracts
- Letterhead/Envelopes
- Town Web Site Logo
- Town-sponsored clothing (such as shirts and hats) or memorabilia (such as key rings and pins)
- Town-owned equipment
- Decals on Town vehicles

The Town Seal may not be used by private companies or organizations.

In order to ensure proper use of the Town Seal, the following procedure is required:

All requests for use of the Town Seal must be submitted in writing to the Town Clerk for review. The request should detail the proposed use of the Town Seal along with a copy of the image to be used. If the image is to be used electronically, a disclaimer shall be posted on the Town of Ellington website stating, "Use of the Town Seal is prohibited without the express written permission of the Town Clerk." The disclaimer may be revised from time to time as deemed appropriate.

Upon review of the request by the Town Clerk, a decision indicating approval or denial will be forwarded to the requestor within ten (10) business days after the request has been received. Letters of request along with the decision will be kept on file in the Town Clerk's office